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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 7 April 1999, at 3 p.m.

Chairperson: Ms. ANDERSON (Ireland)

CONTENTS

STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF THE DEMOCRATIC REPUBLIC OF THE CONGO

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

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The meeting was called to order at 3 p.m.

STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF THE DEMOCRATIC REPUBLIC OF THE CONGO

1. Mr. SHE OKITUNDU (Democratic Republic of the Congo) said that no one had the right, individually or collectively, to ignore the suffering of civilian populations - particularly children, women and the elderly - in times of armed conflict, whether in Kosovo, Sierra Leone, Guinea-Bissau or his own country. In that context, his Ministry had recently issued a report on the massive human rights violations by the aggressor countries - Uganda, Rwanda and Burundi - in the eastern provinces of his country.

2. The Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo had visited the country for a week in February 1999. He had been able to see for himself the efforts made by the authorities to promote human rights, despite the unjust aggression to which the country had been subjected; he had also pointed out some shortcomings, which the Government had noted, although it was unable to accept all his views, particularly with regard to characterization of the conflict. It had, however, shown its willingness to cooperate with international organizations and non-governmental organizations (NGOs) concerned with human rights as well as with the Special Rapporteur. He appealed to the international community to refrain from making constant criticisms and, instead, to provide extensive and constructive assistance to protect the cause of human rights. The very fact of the establishment of his Ministry was an earnest of the Government's good intentions.

3. He also expected the international community to express its firm and unequivocal condemnation of the war of aggression being waged against his country by Uganda, Rwanda and Burundi, which were occupying a substantial part of the country's territory in contempt of such basic principles as respect for sovereignty, territorial integrity and self-determination. Contrary to the misapprehension of the Special Rapporteur, there was no doubt as to the international nature of the conflict: the Ugandan and Rwandan Governments had acknowledged that their troops were on Congolese territory and there was ample evidence implicating Burundi also. The so-called rebellion fomented among some Congolese could not exonerate the Governments that were really behind the war of aggression. Their justification for their actions could not stand up to serious scrutiny.

4. From the outset, the aggressors had exhibited unprecedented barbarity through mass deportations, summary executions and massacres. They had also deliberately spread sexually transmitted diseases by dispatching some 2,000 Ugandan soldiers with AIDS or HIV to devastate the population by rape. They were also guilty of systematically plundering Congolese wealth, above and below ground, including gold and other minerals, coffee and wood, and exterminating such rare animal species as okapi, white rhinoceros and mountain gorillas.

5. Although responsible for the war and the war crimes, the Tutsi extremists were cleverly claiming to be victims, as though the genocide of Rwandan Tutsis in 1994 justified the massacre of Hutu refugees on Congolese

territory. Their aim was to create a "Tutsiland", cynically trading on their past victimization. Their claim that the State or the Congolese people were committing genocide was groundless. Violence played no part in his country's cultural tradition and the Government gave Tutsis its full protection.

6. Tutsis living in shelters in Kinshasa and Katanga were not prisoners; they were there for their own safety, as the International Committee of the Red Cross (ICRC) could testify. The United States of America and Canada had expressed a desire to receive some of those people and his Government had no objection. Any solution to the problem of the vulnerable people in such shelters was welcome. He added that the State had no connection - as asserted by the aggressor countries - with the Hutu militias (Interahamwe) or those elements of the former Rwandan Armed Forces (FAR) considered to have committed genocide.

7. The democratization process would continue. His own Ministry undertook to promote the Commission's resolution on the protection of human rights defenders. He urged the Commission to condemn the aggression against his country, to demand the unconditional withdrawal of foreign troops, to support the idea of deploying an international intervention force along the frontiers, to support the President's initiative of organizing a national debate of reconciliation and to demand the dispatch of an international commission of inquiry to the areas controlled by the aggressors. Any assistance the international community could give would be gratefully received.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/1999/7/25-27, 30-38, 40-43, 107, 117, 119, 121, 125-127, 129-137 and 139; E/CN.4/1999/NGO/3, 11, 12, 16-20, 29 and 61; S/1998/581; A/53/402 and 490; A/52/539)

8. Mr. ABDELBAGI (World Federation of Democratic Youth) said that, in the Sudan, gross and massive violations were committed daily by the Government against real and imaginary political opponents. Such violations were committed with impunity, since the courts were barred from entertaining complaints on actions by the executive. The Government was clearly intent on a military victory in the southern Sudan in order to impose its programme of Islamization and, in the 16 years of civil conflict, it had failed to take any prisoners of war. Its recent adoption of a Constitution and other attempts to gain legitimacy had proved a charade, because the laws excluding pro-democracy political parties and free trade unions from participation in public life remained in place.

9. Mr. XIAO Qiang (Robert F. Kennedy Memorial) said ...

10. Mr. WANG Min (China), speaking on a point of order, said that the speaker had no consultative status with the Economic and Social Council and was thus not entitled to take the floor.

11. The CHAIRPERSON confirmed that the speaker was an accredited member of a non-governmental organization (NGO). NGO representatives had, of course, to speak on behalf of their organizations and not on their own behalf.

12. Mr. XIAO Qiang (Robert F. Kennedy Memorial) said that, shortly after signing the International Covenant on Civil and Political Rights, the Chinese Government had adopted two laws further restricting freedom of association, expression and information. It had also launched a systematic campaign of arresting human rights and democracy activists and labour organizers. Peaceful attempts to register the China Democracy Party as an independent political party had been thwarted, the main organizers of the initiative having been arrested and sentenced to long terms of imprisonment. It was clear that no challenge to Communist Party rule would be tolerated and that the Government did not feel bound by any international human rights obligations.

13. The Commission should therefore express its outrage by adopting a resolution condemning the deteriorating human rights situation in China and thus send a clear signal to the Chinese authorities that the world's highest human rights body did not accept their denial of fundamental human rights. By supporting the resolution, member States would improve China's chances for a peaceful transition to a just and truly stable society and empower the advocates of reform and those Chinese struggling to establish respect for international standards.

14. Mr. DAR (International Islamic Federation of Student Organizations) said that, in the course of the systematic campaign of repression by India in occupied Jammu and Kashmir, military and paramilitary forces were able to target the Kashmir people with full impunity and under official protection. Indian legislation gave full immunity to those forces and the Indian National Human Rights Commission had admitted its inability to investigate complaints of abuses by them. He hoped that the Commission would take effective action to force India to halt its campaign of repression.

15. Mr. QADIR (Muslim World League) said that there had been a drive against religious minorities in India led by Hindu fundamentalist groups, some of which drew their inspiration from Hitler. Violence against Muslims was commonplace, but there had also been a sharp increase in attacks on the Christian community and missionaries. Indians belonging to the lower castes, and particularly the women, were regularly subjected to physical violence and abuse. There was an active involvement of official Indian agencies, including the police, and of private militias which had murdered at least 58 Dalits ("untouchables") in Bihar since December 1997. There had also been cases of Dalits and bonded labourers being attacked with the connivance of the police. Systematic violence by the police was also directed at peoples seeking to exercise their right to self-determination, such as the Kashmiri people and the peoples of north-east India.

16. Ms. DAVIS (Freedom House) said that the number of electoral democracies, representing 61 per cent of the world's countries, had risen by 21 per cent over the past 15 years to 117. Many Governments, however, still systematically suppressed the basic rights of their citizens, the worst

violators being those of Afghanistan, Cuba, the Democratic People's Republic of Korea, Equatorial Guinea, Iraq, the Libyan Arab Jamahiriya, Myanmar, Saudi Arabia, Somalia, the Sudan, the Syrian Arab Republic, Turkmenistan and Viet Nam. In Cuba, in particular, the human rights situation was deteriorating rapidly and she urged the Commission to consider the appointment of a Special Rapporteur for Cuba.

17. Mr. MARSHALL (Freedom House) said that the Sudan's non-Muslim and moderate Muslim population faced genocide. The Sudanese Government's scorched-earth tactics had resulted in the deaths of nearly 2 million people and the displacement of 5 million. The Commission should unequivocally condemn the Government of the Sudan for sponsoring war crimes and demand the imposition of sanctions and the stationing of human rights monitors throughout the country.

18. China had recently intensified its already harsh persecution of religious minorities which persisted in worshipping outside government control. Many Christians had been terribly ill-treated by the police.

19. Ms. SCHILT (Association of Refugees and Displaced Persons of Bosnia and Herzegovina) said that the atrocities against defenceless civilians in Kosovo were an exact repetition of those in Bosnia and Herzegovina a few years earlier and were committed by the same people. The international community should not lose sight of the existing displacement problems in Bosnia and Herzegovina despite the Kosovo emergency. It had been alleged that over 90 per cent of the Bosnian Serb refugees living in the Republika Srpska did not wish to return to their pre-war homes elsewhere in Bosnia. Her organization challenged that allegation. On the basis of permanent contacts with refugee associations it was convinced that a much larger number of Serb refugees wished to return to their places of origin.

20. Returns on an individual, spontaneous basis, in which there had been an encouraging increase over the past months, were more effective than project-driven returns and she suggested that organizations involved in the return process should adopt the principle that "resources follow the returnees" and cooperate with the refugee associations in order to obtain first-hand information.

21. Ms. TANAKA (International Movement against Discrimination and Racism) said that the Government of Sri Lanka had failed to keep its promise to facilitate democratization and respect for the rule of law. Two police officers who had been found guilty of human rights violations had been promoted and their fines paid by the State. Censorship of war-related news continued and government officials had conducted a vicious campaign against the free media movement after independent journalists had exposed corruption and violence in recent elections. A 1998 modification of Sri Lankan legislation endangered the freedom of association of NGOs and contravened the Constitution and International Covenant on Civil and Political Rights. Harassment of the Tamil community continued and political violence associated with provincial elections had escalated. She urged the Sri Lankan Government to honour its commitment to restore peace and ensure democracy.

22. Mr. WANGCHUK (International Union of Socialist Youth) said that the human rights situation in Tibet continued to deteriorate. Two peaceful demonstrations in a Lhasa prison had been brutally suppressed in 1998, with 11 prisoners killed by the security forces. The authorities had made no official inquiry into those killings. Since the visit of the Special Rapporteur on religious intolerance in 1994, the Chinese authorities, in their endeavour to transform Tibet into an atheist region, had banned all public display of photographs of the Dalai Lama, was holding the 9-year-old Panchen Lama in an undisclosed location, and had expelled nearly 10,000 monks and nuns for opposing patriotic re-education at religious institutions. There were nearly 1,100 known Tibetan political prisoners in Chinese prisons, the majority of them monks and nuns, and 60 of them had died from torture since 1986. The Chinese authorities maintained that human rights issues must be resolved through dialogue, yet their behaviour remained confrontational, and he urged the Commission to appoint a special rapporteur to investigate the human rights situation in Tibet.

23. Mr. WIN (International Peace Bureau) said he was disappointed by the defensive response of the Myanmar regime to the Commission's constructive recommendations. In the face of the deteriorating human rights and economic situation, the National League for Democracy (NLD) had again asked the military regime to convene parliament by 21 August 1998, adding that, if the regime refused, the party would itself do so. The regime's response had been to step up its campaign to wipe out the democratic movement. In addition to its constant attacks on Aung San Suu Kyi and the party leadership, the military had launched a psychological campaign in the media, announcing resignations of party members and transfers of office property to the local authorities. Approximately 190 members of parliament were incarcerated in prisons or "guest houses", where treatment could be life-threatening. However, in September 1998, the parties that had won the overwhelming majority of parliamentary seats had formed the Committee Representing the People's Parliament (CRPP), an action that was a necessary and legitimate step towards the restoration of a democratic system.

24. Mr. HTUN (Worldview International Foundation) said that, once known as the rice bowl of Asia, Myanmar was currently classified as a least developed country, with one third of the rural population living in absolute poverty. The confiscation of land without compensation was a form of punishment applied to farmers who failed to sell their quota of crops at prices set by the Government. The authorities had been known to confiscate rice stored by peasants for their household use and even seed rice on the grounds that they had not met their official quota.

25. Problems in the hill areas along the country's borders, which had suffered from long periods of neglect and isolation, had been compounded by the current regime's policy of forced relocation and labour, extortion, looting and destruction of crops in the course of counter-insurgency operations. Millions of villagers had been driven from their homeland, which had been declared by the army to be a free-fire zone and the traditional subsistence economy had been destroyed. The Commission should request the Special Rapporteur on Myanmar, in future reports, to focus also on violations of economic, social and cultural rights.

26. Ms. STOTHARD (Aliran Kesedaran Rakyat - National Consciousness Movement) said that the bizarre descriptions used by the representative of Myanmar to gloss over the brutalities and oppression inflicted on the people of that country were outrageous. It was insulting to describe forced labour as a "voluntary contribution to community development'. The regime might next choose to describe extrajudicial killings as "voluntary participation in target practice".

27. The NLD had suffered the worst repression in recent years because of its decision to convene the People's Parliament. More than 150 NLD members of parliament were being detained and three had died in custody. Most detainees were denied family visits, legal counsel and medical care. The representatives of the military regime should visit the refugee camps and prisons themselves before uttering glib denials before the Commission. She challenged the regime to allow the Special Rapporteur free access to the country and to honour its commitment to a political solution by entering into a dialogue with the democracy movement under the leadership of Aung San Suu Kyi.

28. Mr. MOCONG ONGUENE (World Alliance of Reformed Churches) said that his organization, which maintained a presence in Equatorial Guinea through the Presbyterian Church there, had observed a lack of political will on the part of the Government to fulfil its obligations to protect human rights and honour its commitments to promote the democratization of the country. The conclusion of the Special Rapporteur in his accurate report (E/CN.4/1999/41), that no progress had been achieved in the area of human rights was thus not surprising. The few perpetrators of human rights violations who had been tried at all had been swiftly released or given very light sentences. Government pledges to deal with impunity had been empty and there was no hope for any improvement in the situation. The most recent elections were supposed to have been free and transparent, yet the Government had once again manipulated them, imposing new voting requirements and forcing citizens to vote at gunpoint. Using various irregularities, the Government had managed to obtain 75 out of 80 seats in the House of Representatives.

29. Mr. AHDEROM (Baha'i International community) said that members of the Baha'i faith in the Islamic Republic of Iran continued to be imprisoned and in some cases sentenced to death for their religious beliefs. There were unofficial reports that the death sentences on two Baha'i prisoners had been lifted and that Baha'i youth were again being allowed to enrol in the pre-university year of high school, but those reports had not been confirmed.

30. In his report on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1999/32) the Special Representative had said that the status of the Baha'is had to be addressed. The Commission might wish to recall in that connection the recommendations made by the Special Rapporteur on religious intolerance in 1996, when he had urged the Government of the Islamic Republic of Iran to re-establish the Baha'i institutions, which formed the core around which Baha'i community life revolved.

31. Despite relentless persecution, the Baha'i community had survived because of the courage it had derived from the numerous resolutions adopted by

the Commission and other United Nations bodies. The time had come to identify specific ways in which the Iranian Government could implement the recommendations of the Special Rapporteur and the Special Representative.

32. Mr. WEI Jingsheng (Transnational Radical Party) said that he had been arrested in Beijing in 1979 and imprisoned for 18 years for having advocated the democratization of China. He expressed gratitude to the many countries and NGOs which had worked to obtain his release, which nevertheless had not resulted in freedom, since he had been forced by the Chinese Government into exile abroad. The Chinese Government's refusal to allow him back into China showed that it did not respect human rights.

33. Shortly after its signature of the International Covenant on Civil and Political Rights, the Chinese Government had begun a new and massive wave of arrests of pro-democracy human rights and labour activists, many of whom had received harsh sentences. It had established a central agency aimed at "nipping in the bud" all political organizations outside the Communist Party.

34. His organization did not oppose efforts to engage in dialogue with the Chinese Government on the question of human rights unless that meant abandoning political pressure. Following the massacre at Tiananmen Square in 1989, the countries of the world had imposed sanctions against China, and the sentences given the student leaders had been relatively light. In recent years, however, as countries began to favour dialogue over pressure, the same individuals had been given much harsher sentences.

35. The Chinese Government should comply with the international conventions it had signed and with its own legislation: for example, since the charge of being a counter-revolutionary had been eliminated from Chinese law, it should release all prisoners convicted on that charge, including all the recently arrested dissidents and unofficial publishers.

36. Ms. BIONDI BIRD (International Confederation of Free Trade Unions) said that violations of trade-union rights were crimes against humanity. The Confederation was deeply concerned at the worsening situation in China, where dissidents had received prison sentences for calling for trade-union freedom or trying to organize independent trade unions. Such detentions were in violation of the International Covenant on Civil and Political Rights, which China had signed in October 1998.

37. The Confederation had addressed letters to trade unions in both Serbia and Kosovo expressing its support for workers and their families and urging them to continue to promote dialogue and peace. It condemned the arrest and subsequent assassination by Serbian forces in Kosovo of an independent trade-union leader and his family.

38. In the Republic of Korea, there were hundreds of trade unionists languishing in prison, 500 of them having been arrested in 1998 alone.

39. The Confederation was concerned about the situation in Myanmar and the suspension of trade-union rights at the water and energy authority in

Pakistan, where the very existence of the local labour union and the trade-union movement in general was threatened. Trade union activities were also severely compromised in the banking sector.

40. Trade union rights were also violated in countries in Latin America and in Africa. Owing to time constraints, she requested that copies of her statement be circulated to the representatives of all countries cited in it as having violated trade-union rights.

41. Mr. NWIIDO (Commission of the Churches on International Affairs of the World Council of Churches) said that his organization had recently visited Indonesia, a country which was experiencing a series of interrelated crises. Clashes between civilian demonstrators and the military, and ethnic and religious violence had resulted in loss of life, the destruction of religious sites and other human rights violations that the authorities had done little to prevent or prosecute. The Government must bring to justice all those involved in ethnic and communal violence and ensure the credibility of the forthcoming elections. The Government should also address the demands of the people of East Timor, Aceh and Irian Jaya and enact legislation to give greater provincial autonomy. The conditions imposed by Indonesia's international creditors, and particularly the International Monetary Fund (IMF) should be changed and the national dialogue with the people of Irian Jaya agreed by the President should be pursued.

42. The recent elections in Nigeria were a welcome development after 15 years of military dictatorship. However, human rights violations continued and must be addressed by the new Government when it took office. Of particular concern was the situation of the people of Ogoniland, a region that had been subjected to serious environmental degradation at the hands of international oil companies and repression at the hands of the Nigerian security forces. There were thousands of Ogoni people living in exile or languishing in prison without being brought to trial.

43. The repressive decrees promulgated by the previous regime must be repealed, and all political prisoners must be released; there must be freedom of the press and assembly, and the military forces currently stationed in the Delta region must be withdrawn and the people allowed to express their views without fear of reprisals. Until the Government had taken those steps, the Special Rapporteur should continue to fulfil his mandate with respect to Nigeria.

44. Mr. QUIGLEY (Franciscans International) said that there was ample evidence that the situation of human rights in Mexico was deteriorating. Militarization had increased, particularly in indigenous regions such as Chiapas, Guerrero and Oaxaca. The military controlled the population, especially indigenous people, by arbitrarily assuming civilian functions that did not fall under its authority, such as the control of immigration papers and setting up illegal checkpoints. The military also conducted so-called social work programmes that were designed around military intelligence objectives. There were also indications that the military and members of the Mexican Government were involved in organizing paramilitary groups. The

Commission should take action on the situation of human rights in Mexico using the existing United Nations thematic mechanisms and, should consider the appointment of a special country rapporteur.

45. His organization remained seriously concerned about the situation of religious minorities in Pakistan, particularly with respect to the separate electoral system, the Blasphemy Laws of the Penal Code and the Government's attempt to adopt the Shariah Bill.

46. The situation of human rights in Colombia continued to worsen; it was the most serious in South America and one of the gravest in the world. In the past year, more than 20 human rights defenders had been killed there. He thus welcomed the recent changes in the Office of the High Commissioner for Human Rights at Bogotá, and requested that it publish a plan of action for the forthcoming year; his organization also called for the mobilization of other United Nations mechanisms to complement the Office's work and in particular, for a joint visit to Colombia and a joint report to the Commission at its fifty-sixth session of an appointed special rapporteur on human rights defenders together with the Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment, on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers and of the Representative of the Secretary-General on internally displaced persons. If such a joint visit and report could not be arranged, his organization recommended that the Commission should at its fifty-sixth session, decide to appoint a special rapporteur on the situation of human rights in Colombia.

47. Mr. LEGESSE (African Commission of Health and Human Rights Promoters) said there had been massive deportations of ethnic Eritreans living in villages in the Tigrai region in Ethiopia. They had been dispersed and driven into the adjoining regions of Eritrea. All 56 villages in one district had been removed in an act of creeping ethnic cleansing which was of the most ruthless and thorough kind. After the deportees had settled inside Eritrea, their tents had then been bombed by Ethiopian aircraft at night, although they were clearly labelled "UNHCR" in large blue letters.

48. Civilian communities in Eritrea had been bombed by the Ethiopian air force in six locations along the 625-mile border. Another community, well inside Eritrea and not in the contested zone, had been bombed with napalm and 150 homes set on fire; sometimes cluster bombs were used. His organization urged the Commission to examine those violations of humanitarian law and to halt them before they turned into something still more heinous.

49. Ms. ARIFIN (Asian Legal Resource Centre) said that, although Indonesia had undergone vast changes in 1998, human rights abuses in many regions had not been stopped or investigated. One of the regions most seriously affected by human rights abuses was Aceh in Sumatra. From 1989 to 1998 the province had been designated a military operation zone, because of the presence of so-called separatist groups, during which time the State security apparatus had committed a variety of human rights violations, which had unfortunately not ended with President Habibie's accession to power and the cancellation of the military operation zone.

50. In January 1999, the military had attacked a community in Kandang described as a base for the Aceh Merdeka (Free Aceh) movement, resulting in several people being killed and wounded. A number of members of a community accused of being separatist then kidnapped and killed some soldiers, whereupon the military massacred more than 10 people. No action whatsoever had been taken by the Government to investigate, prosecute and punish those responsible.

51. Her organization therefore requested the Commission to urge the Government of Indonesia to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Indonesia and Aceh in 1999 so that she could report to the Commission at its next session. Furthermore, in the context of the Memorandum of Understanding between the Government of Indonesia and the High Commissioner for Human Rights, the Commission should recommend the inclusion of a relief and rehabilitation programme and compensation to the victims and survivors of human rights violations in Aceh.

52. Ms. KESSLER (National Council of German Women's Organizations, Federal Union of Women's Organizations and Women's Group of German Associations), having welcomed the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1999/40), quoted from a letter her organization had received from an Afghan woman working for an NGO inside Afghanistan. She wrote that her experience in the field had shown her that forcing the Taliban to accept and honour women's rights was only a part of the process of helping Afghan women, who had borne the brunt of the war. True reform could be instigated only through the internal mechanisms of society, one such mechanism being the empowerment of women through economic independence, education and better health facilities. The NGO for which she worked was targeting women as the direct recipients of grass-roots projects, such as training women teachers and income-generation programmes for women. Its aim was to help women to help themselves in their struggle.

53. Her organization requested all Governments and United Nations agencies engaged in development and aid work in Afghanistan to make respect for women's human rights a part of their criterion for assistance. The Special Rapporteur should continue his work, and should investigate women's human rights in particular working closely with the Special Rapporteur on violence against women, its causes and consequences.

54. Mr. FAH (Anti-Slavery International) said that, in Shan State, the programmes of mass forced relocations carried out by the military regime in Myanmar since 1996 were still continuing, often repeatedly, as the military consolidated their control and prevented people from resettling, depriving them of all means of livelihood. Relocated villagers were not allowed to go more than three miles from their relocation sites and, if they returned to their old villages, ran the risk of being shot. There was documentary evidence of 312 extrajudicial killings in 1998, including women and children. There was also documentary evidence of 58 cases of rape by the military, with officers involved in most of them. Rape was condoned as a means of intimidating local populations. In January 1999 alone, there had been 12 rape cases involving minors.

55. People throughout Shan State were being forced to work without payment on military bases, growing crops for the military on land that had been seized from them, working on military business and infrastructure projects, and as porters. The military was carrying out a strategy of ethnic cleansing and demographic engineering. The Representative of the Secretary-General on internally displaced persons should investigate the situation, and the international community should provide the victims with humanitarian assistance.

56. Mr. MOUSSALI (Special Rapporteur on the situation of human rights in Rwanda) said that the statements and recommendations he had heard with regard to Rwanda had been extremely useful and reflected the concern of the international community. He had also noted the reply by the observer for Rwanda.

57. The first elections in that country had passed off very well, establishing a basic administrative structure, and everything possible must be done to ensure that the new National Unity and Reconciliation Commission and the National Human Rights Commission were able to play their full roles. The members of the National Human Rights Commission would be appointed by the National Assembly towards the end of April 1999, and he looked forward to meeting them.

58. Mr. PINHEIRO (Special Rapporteur on the situation of human rights in Burundi) said that a contradictory picture had emerged from the discussion of the situation of human rights in Burundi. On the one hand, the war continued, with very serious violations of human rights and humanitarian law; on the other hand, the level of participation had risen. In large parts of the country, some degree of security had returned, and the suspension of economic sanctions would have a very positive effect on daily lives, especially of women and children. Improvements were occurring in the cost of living and in health services and education and the population was gradually becoming better informed.

59. Every effort had to be made to increase the hopes and confidence of men and women of good faith, but a great deal remained to be done before a State based on the rule of law was established. The campaign had to continue against impunity, against serious violations of human rights, and in support of the reform of the judiciary, the police and the army, so that the confidence of all strata of society in the State institutions could be restored. The international community must be patient but, at the same time, should demonstrate its commitment to the people and the Government of Burundi.

60. Ms. VILLARAN (International Young Catholic Students) said that there was an alarming increase in human rights violations in Guatemala. The assassination of Monsignor Gerardi had demonstrated the extent to which the legal system there lacked independence. The situation of impunity had been denounced by the Church and by Guatemalan NGOs. Lawyers were subject to pressure from outside the legal system. Judges were unable to check on investigations. Obstruction of justice by the executive branch was tolerated, and threats and intimidation against officials in the legal system continued.

61. Guatemala could not be removed from the Commission's agenda because there had to be a lengthy and thoroughgoing monitoring of the situation of human rights in that country. United Nations technical assistance to the Government of Guatemala should also be monitored periodically by the Commission. Her organization requested the Commission to consider, at its fifty-sixth session, a report on the results that had been achieved in the first two years of the technical assistance programme. Lastly, her organization requested the Government of Guatemala to fulfil the undertakings it had given to the international community and to set a date for inviting the Special Rapporteurs on the independence of judges and lawyers and on freedom of opinion and expression.

62. Mr. REQUESENS (International Federation of Action of Christians for the Abolition of Torture) said that the situation of human rights in Mexico continued to deteriorate. The Government had neither ratified the Optional Protocol to the International Covenant of Civil and Political Rights nor made the declaration under article 22 of the Torture Convention that it recognized the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals. Since impunity was a regular feature of human rights violation in Mexico, his organization called on the Commission to urge the Government of Mexico to take steps to reduce the number of human rights violations and, at the international level, to ratify the Optional Protocol and make the declaration under article 22 of the Torture Convention; to consider the situation of human rights in Mexico in the light of information available to the various United Nations bodies and the Organization of American States (OAS); to urge the Government of the United States of America to close its armed forces school at Benning, Georgia, and to appoint a special rapporteur on the situation of human rights in Mexico.

63. Ms. RUPPRECHT (International Institute for Peace) said that societies using the language of religious fundamentalism to impose their own ideology on others and supporting their actions with sophisticated weapons and misleading propaganda, did not give credence to democratic values based on universal freedoms as defined in the Universal Declaration of Human Rights.

64. The Taliban forces in Afghanistan had committed a large number of political and other extrajudicial killings; they had, for instance, carried out a mass slaughter of civilians and prisoners after the capture of Mazar-i-Sharif in August 1998. Afghanistan under the Taliban regime was a prime example of the gross violation of human rights and fundamental freedoms of the citizenry, particularly women.

65. In Pakistan, groups such as Harkat-ul-Ansar and Lashkar-e-Tayba displayed a common ideological pattern consisting of bigotry and the use of weapons and terror to demolish all norms of civil society. According to the International Institute for Strategic Studies, there were Harkat-ul-Ansar offices in many parts of the world and there was no check on their fund-raising and recruiting activities. In March 1999, the Pakistani human rights activist, Ansar Burney, had been told by the Government to vacate his office in Karachi after he had begun to raise his voice against human and civil rights violations and extrajudicial killings in the country. Indeed a

number of human rights activists from Pakistan had not been allowed to participate in the current session of the Commission on one pretext or another.

66. Her organization wished to express its concern at the current crisis in Kosovo and at the serious danger of it spreading. The killing of unarmed civilians, including women and children, must be condemned and censored. The situation had become even more serious as a result of the action by the North Atlantic Treaty Organization (NATO). Countries that sought legitimacy in deliberate violence and discrimination on the basis of religion should be addressed and called upon to desist from encouraging the forces of extremism, terrorism and obscurantism.

67. Ms. GALARZA CAMPOS (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, since 1993, over 180 women had been murdered in Ciudad Juárez in the Mexican State of Chihuahua. Most of the victims had been sexually assaulted, mutilated and hanged. Their families had been denied effective legal redress, the municipal and State authorities tending to blame the victims for their fate. In addition, over 20 young women had disappeared since 1994. Local NGOs had succeeded in instigating official investigations and in having a specialized agency to deal with sexual offences and a crisis centre for sexually abused women established in the area. However, such institutions were unable to punish the guilty persons or to prevent further crimes.

68. She requested the Commission to urge the Government of Mexico: to guarantee the safety of the victims' families and human rights defenders; to investigate the events in Ciudad Juárez, to punish those responsible and to compensate the victims and their families; to implement United Nations recommendations aimed at protecting and eliminating discrimination against women and to issue invitations to visit Mexico to the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers. The Commission should also appoint a special rapporteur on Mexico to prepare a detailed human rights report, with particular attention to women's rights, especially in northern Mexico.

69. Mr. NOURI (Organization for Defending Victims of Violence) said that there had been two developments in Iran since the Commission's last session: the Iranian mayors placed on trial had complained of ill treatment during their detention and press and NGO reactions to a series of assassinations and murders had led to the arrest of a number of people and the resignation of the Minister of Intelligence and Security. His organization had called for a public trial.

70. In Afghanistan, extremist religious and ethnic policies had led to large-scale displacement of the Afghan people. The situation of women called for more serious scrutiny by the international community. Drug production and smuggling posed a serious threat to society.

71. In Kosovo, the right of self-determination of the ethnic Albanians had been violated. He urged the Commission to focus attention on the fate of refugees and displaced people.

72. The regime in Iraq imposed restrictions on the Shiite clergy and mercenaries were being used to suppress the Kurd and Shiite communities. International sanctions were punishing the Iraqi people rather than the authorities.

73. In the occupied Arab territories, including East Jerusalem, Palestinians were being murdered, detained without trial and expropriated as a result of Israel's expansionist policies.

74. Ms. RUMSEY (Canadian Council of Churches) said that the Sudanese Government's human rights abuses included using famine as a weapon of war, bombing civilian centres, the systematic rape of women and stripping black Sudanese of their cultural and religious identities. The Commission should call for an international investigation into crimes against humanity in the Sudan and extend the Special Rapporteur's mandate for another year.

75. Mindful of Nigeria's history of recurring military rule and of the many human rights improvements that were still necessary there, she urged the Commission to extend the Special Rapporteur's mandate for a further year.

76. All parties to the conflict in Sri Lanka were guilty of human rights violations. She noted with concern a growing radicalization of young people and an increase in violence against women. The Commission should urge the Government to implement the recommendations of the three Commissions on Disappearances and to invite the Special Rapporteur on the freedom of opinion and of expression to visit the country.

77. The capacity of the Indonesian Government and security forces to facilitate a peaceful transition to democracy in a highly unstable political environment was limited. The systematic use of violence against women during riots and communal attacks was a serious concern. Civil violence and human rights violations in Aceh and Irian Jaya called for immediate attention by the relevant special rapporteurs. International monitoring of the June 1999 elections was essential.

78. The Commission should express support for a United Nations presence to facilitate a cease-fire and the disarmament of paramilitary groups in East Timor and for a process to enable the East Timorese to exercise their right of self-determination.

79. Her organization called on the Colombian Government to implement the recommendations of the High Commissioner for Human Rights concerning the dismantling of paramilitary groups and to remove from active duty members of the State security forces who had supported the paramilitaries. She urged the High Commissioner to submit an interim report on the human rights situation in Colombia to the next session of the General Assembly.

80. The Mexican Government lacked the political will to put an end to grave human rights violations and to seek a negotiated solution to the low-intensity war in the country's southern States. Perpetrators of human rights violations continued to enjoy impunity. She urged the High Commissioner to visit Mexico and to report on the situation to the Commission at its next session.

81. Mr. SELBMANN (Society for Threatened Peoples) said that Serbian troops and paramilitary groups were committing genocide against the ethnic Albanian population of Kosovo, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide. The Commission must take action to ensure compliance with international law, to condemn the crimes being committed by the Yugoslav Government, to appoint a special rapporteur on Kosovo and to initiate a reform of the Security Council that would make it possible to prevent further cases of genocide.

82. Mr. VALBUENA (Society for Threatened Peoples) said that the Colombian Government, multinational companies and paramilitary organizations had murdered community and trade-union leaders and peasants and were engaged in a systematic genocide of the indigenous peoples of Colombia. He urged the Commission to condemn all such acts, the perpetrators of which should be tried in international courts, to call on the Colombian Government to abide by its constitutional obligation to protect the property, life and land of indigenous peoples and to appoint a special rapporteur to investigate the human rights situation of indigenous peoples in Colombia and to recommend the drafting of a United Nations code of conduct for multinational companies operating in indigenous territory.

83. Mr. YAYEHE (African Association of Education for Development) said that the human rights situation in Ethiopia and Eritrea had been deteriorating since the beginning of the conflict in May 1998. The Ethiopian regime was intimidating and harassing Eritrean residents, expelling tens of thousands and confiscating their property. The Eritrean Government was guilty of similar ill-treatment of Ethiopian residents.

84. The Ethiopian regime's failure to respect the basic human rights of its people was well documented. It had dismantled the country's civic and religious institutions and incarcerated their leaders or forced them into exile. It terrorized the rural population by confiscating land and property. Muslim and Christian community leaders were harassed and human rights activists and journalists were murdered or imprisoned.

85. He appealed to the international community, particularly the Governments of countries with political and economic influence on the Governments of Ethiopia and Eritrea, to work for peace and reconciliation and for the establishment of the basis for democratic governance.

86. Mr. ACHOUR (Organisation tunisienne de l'éducation et de la famille) said that large-scale ethnic cleansing operations in Kosovo constituted a violation of the right to life.

87. In Africa, large numbers of people, particularly women and children, were being deprived of basic human rights by poverty, famine and disease. He urged the Commission to pay more attention to violations of economic, social and cultural rights when examining particular situations.

88. His organization, while retaining its critical approach, favoured a policy of constructive participation and attached particular importance to the promotion of a national and international human rights culture that transcended traditional political and cultural differences.

89. Ms. TEXIER (France Libertés - Fondation Danielle Mitterrand) said that demonstrations by the Shiite community in Iraq following the murder of a Shiite dignitary and his two sons in February 1999 had been brutally suppressed. Several demonstrators had been killed and hundreds had been arrested. The whereabouts of hundreds of Kuwaitis captured during the Gulf war and of 180,000 Kurds who had disappeared during the Anfal campaign in the 1980s was still unknown. The Iraqi Government refused to help address the problem of anti-personnel landmines in Iraqi Kurdistan.

90. Civilians continued to be massacred in Algeria by armed groups. An independent investigation was necessary to clarify the situation. Over the past six years, some 4,000 Algerians had disappeared after being arrested or abducted by the security forces. She urged the United Nations to take steps to establish their whereabouts.

91. The Commission should obtain the consent of the Government of Mexico to a visit by the High Commissioner for Human Rights to investigate grave and persistent human rights violations there.

92. Mr. MARINO (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos) said that human rights violations by the Indonesian authorities in East Timor included arbitrary detention, torture, ill-treatment, absence of due process and judicial safeguards, and restrictions on freedom of expression and association. The civilian population was displaced by military offensives. Disappearances were not properly investigated. The Government allowed paramilitary groups and militias to terrorize the population. Recent promises of an opportunity for the East Timorese to exercise their right to self-determination had proved false. His organization called for an end to human rights violation in East Timor, the withdrawal of Indonesian troops under United Nations supervision and the permanent installation of a United Nations peace-keeping force as well as appropriate human rights monitoring bodies.

93. His organization was concerned about persistent human rights violations, including disappearances, arbitrary detention, torture and lack of due process, in the parts of Western Sahara occupied by the Moroccan security forces. Action by the United Nations and NGOs to investigate such offences would facilitate the organization of a fair and impartial referendum so that the Saharan people could finally exercise its right of self-determination.

94. His organization was also concerned about the proposed international agreement between the Philippines and the United States concerning the treatment of visiting units of the United States armed forces. Described by the United States as a mere "executive agreement", it contained highly ambiguous provisions regarding the activities such forces could undertake in the Philippines and made no reference to the possible introduction of nuclear weapons in violation of the Philippine Constitution. The provisions concerning criminal jurisdiction for punishable acts committed by United States personnel undermined the sovereign authority of the Philippine State. The question arose whether the draft agreement was an attempt to establish a new category of protectorate over a country that had only recently recovered its international sovereignty.

95. Mr. SCOTT (International Human Rights Law Group) said that all the warring factions in Afghanistan, including the Taliban, were committing gross human rights violations. It was important to monitor the human rights situation in all areas, including those not controlled by the Taliban. The Commission should provide all possible assistance to Afghan NGOs which found it extremely difficult to operate effectively, particularly their women members. He welcomed the Special Rapporteur's report and the appointment of a human rights advisor in Afghanistan. He trusted that the Member States would provide her with the requisite support and resources.

96. He urged Nigeria to repeal such repressive legislation as State Security Decree No. 4 of 1987 (Detention of Persons), Special Decree No. 2 (Civil Disturbances) invoked to execute Mr. Saro-Wiwa and nine others, and Public Offices Decree No. 4 of 1984 (protection against False Accusation). Violence by the brutal State security operations continued, despite indications to the contrary by the Special Rapporteur. He called on the Government to address harmful traditional practices such as early marriage, unequal inheritance practices and female genital mutilation. The Special Rapporteur's mandate should be extended.

97. Peru's Amnesty Law of June 1995 attempted to erase 15 years of egregious human rights violations, depriving many people of legal remedies. He urged the Commission to appeal to the Peruvian Government to withdraw the Amnesty Law and to bring the perpetrators of human rights violations to justice.

98. The ability to enjoy fundamental human rights in the United States varied enormously, according to race, gender, language, age and sexual orientation, because of the Government's failure to abide by the provisions of its Constitution and of the international human rights treaties it had ratified. He urged the Commission to follow up on those reports which had revealed the gap between promise and practice in United States human rights protection.

Statements in exercise of the right of reply

99. Mr. ASHRAF (India), referring to the statement by the delegation of Pakistan that it would oppose initiatives intended for domestic consumption as an abuse of the Commission and would use the session only for genuine and constructive dialogue and international cooperation, said that Pakistan's conduct, year after year, made a mockery of such claims. Its only interest was to bring its bilateral or political agenda before the Commission for domestic and propaganda considerations. Even the Minister for Foreign Affairs of Pakistan had taken liberties with the truth. India categorically rejected all the allegations made by the Minister and the representative of Pakistan, including those concerning the Indian State of Jammu and Kashmir, which were totally unfounded and self-serving.

100. The Indian Prime Minister had recently travelled by bus to Pakistan as a path-breaking gesture of friendship. India was committed to a sustained and constructive process of composite dialogue and looked forward to the establishment of a stable structure of mutually beneficial cooperation and the

introduction of confidence-building measures for the peaceful resolution of all outstanding issues through direct bilateral dialogue. He urged Pakistan to adhere to that agreed path.

101. Mr. QAZI (Pakistan) said he fully understood the discomfiture of the Indian delegation as it was forced to defend its immoral and illegal position on occupied Jammu and Kashmir. India's horrendous human rights violations in the territory had been extensively documented by both Indian and international human rights organizations.

102. The representative of India had failed to respond to any specific point made by the Minister for Foreign Affairs of Pakistan. He had been unable to deny that India had sought Security Council mediation on the Kashmir dispute in 1948, that the Council had clearly determined that the final disposition of the State of Jammu and Kashmir would be made in accordance with the will of the people expressed through a plebiscite, that both India and Pakistan had accepted the idea of a plebiscite but that no such plebiscite had ever taken place.

103. Pakistan wanted to achieve peace and security in South Asia through dialogue but, owing to Indian obduracy, 50 years of talks on Kashmir had resulted in very little action. The outburst by the representative of India indicated that the current round of talks was headed for a similar fate - an unfortunate outcome for Pakistan, India and above all Kashmir. The Commission must not, however, allow the opportunity to slip by.

The meeting rose at 6.10 p.m.